

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Case 5:22-cr-00078-LSC-NAD
)	
JOHN HORNBUCKLE)	

**GOVERNMENT’S MOTION FOR A PROTECTIVE ORDER
CONCERNING SENSITIVE DISCOVERY MATERIAL**

The United States moves for a protective order pursuant to Federal Rule of Criminal Procedure 16(d)(1) regarding certain sensitive discovery material, as explained further below.

1. The Indictment in this case charges the defendant with committing health care fraud and paying kickbacks through a company he owned during the relevant period.

2. The evidence in this case includes records containing personal identifying information (PII), including names, residential addresses, telephone numbers, dates of birth, social security numbers, driver’s license numbers, and financial information. The evidence also includes records containing personal health information (PHI), including medical records, medical history, and insurance information of individuals who received electro-diagnostic testing from the

defendant's company.

3. The nature of the information and the way in which it overlaps with the charges in the case makes it impractical to redact each document.

4. Federal Rule of Criminal Procedure 16(d)(1) permits the Court to enter a protective order regulating the manner in which discovery is conducted.

5. Given the nature of the discovery, in order to balance the defendant's rights with the privacy interests of other individuals and with limited government resources, the government requests that the Court enter a protective order pursuant to Rule 16(d)(1) as set out in Attachment A. Counsel for the defendant has reviewed the proposed protective order and does not oppose it.

6. Such a protective order would provide defense counsel and the defendant with needed access to discovery while protecting sensitive PII and PHI.

The United States respectfully requests that the Court enter a protective order.

Respectfully submitted,

PRIM F. ESCALONA
United States Attorney

/s/John B. Ward
JOHN B. WARD
DON B. LONG
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I certify that, on April 14, 2022, I served counsel for the defendant via the CM/ECF system.

/s/John B. Ward
JOHN B. WARD
Assistant United States Attorney